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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua, Russian Federation, Syrian Arab Republic and Venezuela (Bolivarian Republic of): draft resolution

Decision of the Special Committee of 22 June 2015 concerning Puerto Rico

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, set out in resolution 1514 (XV) of 14 December 1960, and also the 34 resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that more than half of the period 2011-2020, proclaimed by the General Assembly in its resolution 65/119 of 10 December 2010 as the Third International Decade for the Eradication of Colonialism, has already elapsed,

Bearing in mind the 34 resolutions and decisions adopted by the Special Committee since 1972 on the question of Puerto Rico set out in the reports of the Special Committee to the General Assembly, in particular those adopted in recent years without a vote,

Recalling that 25 July 2016 marks the 118th anniversary of the intervention in Puerto Rico by the United States of America,

Noting with concern that, despite the various initiatives taken in recent years by the political representatives of Puerto Rico and the United States, the process of the decolonization of Puerto Rico, in compliance with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico, has not yet been set in motion,

Bearing in mind that, on 6 November 2012, a majority of the people of Puerto Rico rejected its current status of political subordination and that, in the context of the significant upsurge of the economic and fiscal crisis in Puerto Rico, such status

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prevents it from taking sovereign decisions to address its serious economic and social problems, including unemployment, marginalization, insolvency and poverty,

Noting with concern the imminent imposition on Puerto Rico by the United States Congress of a fiscal control board, for which purpose it is invoking the plenary powers of the Congress under the territorial clause of its Constitution, and the statements made by the Attorney General to the Supreme Court of that country affirming that Puerto Rico continues to be a territory under the sovereignty of the United States and subject to the plenary powers of its Congress,

Further noting that the Supreme Court of the United States, in conformity with a legal question posed by the Department of Justice, decided in the case of *Puerto Rico v. Sánchez Valle* that the original and ultimate source of governmental power in Puerto Rico lies in the United States Congress,

Stressing again the urgent need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV) of the General Assembly and the resolutions and decisions of the Special Committee concerning Puerto Rico,

Noting that the Inter-Agency Task Force on Puerto Rico's Status designated by the President of the United States, which submitted its third report on 16 March 2011, reaffirmed that Puerto Rico is a territory subject to United States congressional authority and that to date the discussion of the issue of status is at a standstill,

Taking note of the declarations adopted at the second, third and fourth summits of the Community of Latin American and Caribbean States, held in Havana, in Belén, Costa Rica, and in Quito, in 2014, 2015 and 2016, respectively, in which attention is drawn again to the Latin American and Caribbean character of Puerto Rico; note is taken of the resolutions on Puerto Rico adopted by the Special Committee, reiterating that it is a matter of interest for the Community; a commitment is made to continue working, within the framework of international law and, in particular, of General Assembly resolution 1514 (XV), to make the region of Latin America and the Caribbean an area free of colonialism and colonies; and the Quartet of the Community of Latin American and Caribbean States is directed, with the participation of other Member States that wish to join this endeavour, to present proposals to move forward on this matter,

Taking note also of the Special Declaration on Puerto Rico adopted by the Heads of State and Government of the Bolivarian Alliance for the Peoples of Our America, at its meeting in Caracas on 4 and 5 February 2012, in which they expressed their strong support for the inalienable right of the people of Puerto Rico to self-determination and full independence; recalled that Puerto Rico is a Latin American and Caribbean nation, with its own unmistakable identity and history, whose rights to sovereignty have been violated by the colonial rule imposed for more than a century; stressed that the cause of Puerto Rican independence concerns the region of Latin America and the Caribbean and their forums for dialogue and political cooperation, in particular the Community of Latin American and Caribbean States; and demanded the release of political prisoners who are convicted of fighting for the independence and self-determination of Puerto Rico, including comrade Oscar López Rivera, who has been imprisoned under inhumane conditions for 35 years,

Taking note further of the Panama Proclamation adopted by the Latin American and Caribbean Congress in support of Puerto Rico's Independence, which was held in Panama City on 18 and 19 November 2006 and attended by representatives of 33 political parties from 22 countries of the region, the conclusions of which were reaffirmed in the declaration adopted by the Council of the Socialist International in Cascais, Portugal, on 5 February 2013, expressing support for the repeated and unanimous call of the Special Committee of the General Assembly to consider the colonial case of Puerto Rico, and for the release of Oscar López Rivera and other Puerto Rican patriots who are serving sentences in United States prisons, and voicing satisfaction and solidarity with the rejection by a majority of the people of Puerto Rico of the maintenance of the current colonial status of Puerto Rico,

Noting the debate in Puerto Rico on the search for a procedure that would make it possible to launch the process of decolonization of Puerto Rico, and aware of the ineffectiveness of consultations originating in the United States, of the principle that any initiative seeking a solution to the political status of Puerto Rico should originate from the people of Puerto Rico, and of the fact that, to date, several draft laws in favour of convening a constitutional assembly on status have been presented in Puerto Rico,

Noting also the consensus among the people of Puerto Rico in favour of the release of the Puerto Rican political prisoner, Oscar López Rivera, who has been serving a sentence in a prison in the United States for more than 35 years for reasons related to the struggle for the independence of Puerto Rico,

Noting further the concern of the people of Puerto Rico regarding violent actions, including repression, intimidation and the forced sampling of DNA, against Puerto Rican independence activists, including actions that have recently come to light through documents declassified by federal agencies of the United States,

Aware that Vieques Island, Puerto Rico, was used for over 60 years by the United States Marine Corps to carry out military exercises, with negative consequences for the health of the population, the environment and the economic and social development of that Puerto Rican municipality,

Noting the consensus existing among the people and the Government of Puerto Rico on the need to clean up, decontaminate and return to the people of Puerto Rico all the territory previously used for military exercises and installations, and to use them for the social and economic development of Puerto Rico, and also on the slowness of the process thus far,

Noting also the constant complaints made by the inhabitants of Vieques Island regarding the continued bombing and the use of open burning as a clean-up method, thereby exacerbating the existing health problems and the pollution and endangering civilian lives,

Noting further that, in the Final Document of the Sixteenth Summit Conference of Heads of State or Government of the Movement of Non-Aligned Countries,[1] held in Tehran from 26 to 31 August 2012, and at other meetings of the Movement, the right of the people of Puerto Rico to self-determination and independence pursuant to General Assembly resolution 1514 (XV) is reaffirmed; the

[1] A/67/506-S/2012/752, annex I.

Government of the United States is urged to assume its responsibility to expedite a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence and to return the territory and occupied installations on Vieques Island and at the Roosevelt Roads Naval Station to the Puerto Rican people, who constitute a Latin American and Caribbean nation; and the General Assembly is urged actively to consider the question of Puerto Rico in all its aspects,

Having heard statements and witness accounts representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,[2]

1. *Reaffirms* the inalienable right of the Puerto Rican people to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitutes a Latin American and Caribbean nation that has its own unequivocal national identity;

3. *Calls* again upon the Government of the United States of America to assume its responsibility to expedite a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence, in accordance and in full compliance with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico, and to take decisions, in a sovereign manner, to address their urgent economic and social needs, including unemployment, marginalization, insolvency and poverty;

4. *Notes* the broad support of eminent persons, Governments and political forces in Latin America and the Caribbean for the independence of Puerto Rico;

5. *Also notes* the debate in Puerto Rico on the implementation of a mechanism that would ensure the full participation of representatives of all sectors of Puerto Rican public opinion, including a constitutional assembly on status with a basis in the decolonization alternatives recognized in international law, and aware of the principle that any initiative for the solution of the political status of Puerto Rico should originate from the people of Puerto Rico;

6. *Expresses* deep concern over the actions carried out against Puerto Rican independence activists, and encourages the investigation of those actions with the necessary rigour and with the cooperation of the relevant authorities;

7. *Requests* the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects, and to decide on that issue soon as possible;

8. *Urges* the Government of the United States, in line with the need to guarantee the heir legitimate right of the Puerto Rican people to self-determination and the protection of their human rights, to complete the return to the people of Puerto Rico of the occupied land and installations on Vieques Island and in Ceiba; to respect fundamental human rights, such as the right to health and economic

[2] A/AC.109/2016/L.13.

development; and to expedite and cover the costs of the process of cleaning up and decontaminating the areas previously used in military exercises through means that do not continue to aggravate the serious consequences of its military activity, with a view to protecting the health of the inhabitants of Vieques Island and the environment;

9. *Calls* again upon the President of the United States of America to release, without further delay, the Puerto Rican political prisoner Oscar López Rivera, who is 73 years old and has been serving his sentence in a United States prison for more than 35 years for reasons related to the struggle for the independence of Puerto Rico and whose case is humanitarian in nature, and welcomes the release of Norberto González Claudio;

10. *Takes note* with satisfaction of the report prepared by the Rapporteur of the Special Committee, in compliance with its resolution of 22 June 2015;

11. *Requests* the Rapporteur to report in 2016 on the implementation of the present resolution, including new developments relevant to a process of decolonization of Puerto Rico, in accordance with General Assembly resolution 1514 (XV);

12. *Decides* to keep the question of Puerto Rico under continuous review.